

REMARKS

This application has been reviewed in light of the Office Action dated December 10, 2008. Claims 1-15 are presented for examination, of which Claims 1, 13, and 15 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,096,204 (*Chen et al.*, hereinafter “*Chen*”) in view of U.S. Patent No. 5,883,810 (*Franklin et al.*, hereinafter “*Franklin*”). Applicants respectfully traverse these rejections and submit that independent Claims 1, 13, and 15, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Claim 1 recites, in part, “said account identifier including at least a first account identifier portion and a second account identifier portion, . . . [and a] proxy account identifier including said first account identifier portion.” Accordingly, the proxy identifier includes a portion of the account identifier.

In the December 10, 2008 final Office Action, the Office continues to maintain the rationale relied on in the April 1, 2008 non-final Office Action. Particularly, the Office equates Applicants’ claimed “account identifier” with *Chen*’s true consumer identity and Applicants’ claimed “proxy account identifier” with *Chen*’s temporary identity. Applicants respectfully submit that this characterization of *Chen* is wholly improper for at least the reason that *Chen* fails to include any portion of the true consumer identity within the temporary identity.

As previously pointed out in Applicants’ July 31, 2008 remarks, *Chen*’s temporary identity consists of nothing more than a random number. *See Chen* Col. 18, lines 45-47. Applicants respectfully submit that it is unreasonable to interpret a randomly generated

number as including a portion of *Chen's* true consumer identity. *Chen* simply does not include any characteristic found in *Chen's* true consumer identity within *Chen's* temporary identity.

Moreover, the December 10, 2008 final Office Action fails to offer any rationale whatsoever to reconcile how *Chen's* temporary identity could be reasonably interpreted as including a portion of *Chen's* true consumer identity. Should the Examiner maintain that *Chen's* temporary identity in some way contains a portion of *Chen's* true consumer identity, then the Examiner is respectfully requested to clarify the reasoning relied upon.

Furthermore, nothing has been found in *Franklin* to cure the aforementioned deficiencies of *Chen*.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against Claim 1, and that the proposed combination of *Chen* and *Franklin*, even if deemed legally permissible or technically feasible, would fail to arrive at the payment system of Claim 1 supporting a proxy account identifier that includes a portion of an account identifier. Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claims 13 and 15 include a feature similar to the proxy account identifier feature discussed above with respect to Claim 1. Therefore, those claims are also believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim also is deemed to define an additional aspect of the invention individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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